

EXHIBIT A

As stated in Defendant Marmaxx Operating Corp.'s ("Defendant") Notice of Removal, Defendant reserves the right to supplement its response with certified copies of the following documents.

1. Plaintiff's Original Petition, filed February 5, 2021.
2. Request for Process, filed February 8, 2021.
3. Issuance of Citation, filed February 10, 2021.
4. Defendant Marmaxx Operating Corp.'s Original Answer, filed March 12, 2021.

FILED
2/5/2021 4:48 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Consuelo Gomez

2021CI02440

CAUSE NO. _____

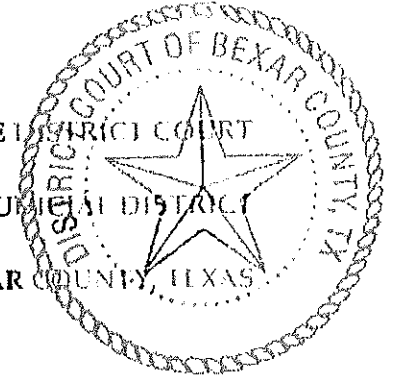
MARIA RIVERA

VS.

MARMAXX OPERATING CORP.

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IN THE DISTRICT COURT
166TH
JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS



PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MARIA RIVERA, Plaintiff in the above-styled and numbered cause (hereafter called "Plaintiff"), complaining of MARMAXX OPERATING CORP. (hereafter called "Defendant"), and for cause of action would respectfully show unto the Court as follows:

I.

DISCOVERY PLAN

1.1 Pursuant to Rule 190.1 of the Texas Civil Practice and Remedies Code, Plaintiff intends to conduct discovery under Discovery Level 3.

II.

STATEMENT OF RELIEF

2.1 Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of \$250,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

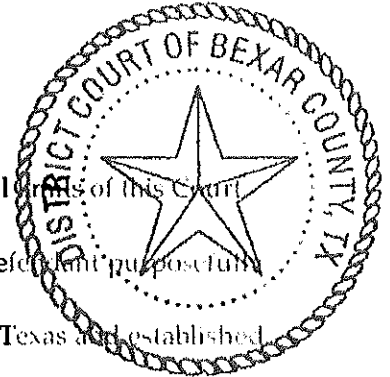
III.

PARTIES

3.1 Plaintiff is an individual residing in San Antonio, Bexar County, Texas.

3.2 Defendant is a foreign corporation licensed to transact business in Texas and may be served with process by and through its registered agent CT Corporation System at 1999 Bryan Street, Ste. 900, Dallas, Texas 75201.

IV.
JURISDICTION AND VENUE



4.1 The subject matter in controversy is within the jurisdictional purview of this Court.

4.2 This Court has jurisdiction over Defendant because said Defendant purposefully availed themselves of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant. The assumption of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

4.3 Plaintiff would further show that Defendant had continuous and systematic contacts with the State of Texas sufficient to establish general jurisdiction over said Defendant.

4.4 Venue is proper in Bexar County under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

V.
FACTS

5.1 On February 5, 2019, Plaintiff was shopping at Defendant's store, operated under the name of Marshalls and located at 4224 S. New Braunfels Avenue in San Antonio, Bexar County, Texas. Sometime while Plaintiff was in the store, employees were informed of a spill that required the floor to be mopped and cleaned. Unaware of the floor's condition and lack of notice, Plaintiff slipped and fell on the wet floor when she walked out of the store's restroom which caused her to suffer significant bodily injuries.

VI.

NEGLIGENCE OF DEFENDANT MARMAXX OPERATING CORP.

6.1 At all times material hereto, the Marshalls store in San Antonio, Texas was owned, operated and/or managed by Defendant. Defendant extended an open invitation to the public, including Plaintiff, to enter the premises. Accordingly, Plaintiff was an invitee to whom Defendant owed a duty to inspect the premises and maintain them in a reasonably safe condition.

6.2 The condition of the premises posed an unreasonable risk of harm. Defendant knew or reasonably should have known of the condition because a Marshall employee was required to mop the floor to remove the previously reported condition. Defendant breached its duty of care by both failing to make the condition reasonably safe and failing to adequately warn Plaintiff of the condition.

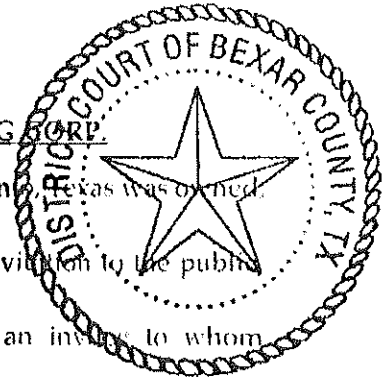
VII.

DAMAGES

7.1 As a direct and proximate result of Defendant's negligence, Plaintiff has sustained physical pain and suffering, mental anguish, loss of household services and loss of capacity to perform household services. From the date of the incident in question until the time of trial, Plaintiff was caused to suffer injuries and damages as follows:

- (a) Past and future medical and healthcare expenses;
- (b) Past and future physical pain;
- (c) Past and future physical impairment; and
- (d) Past and future mental anguish

7.2 Because of all of the above and foregoing, Plaintiff has been damaged and will be damaged in a sum within the jurisdictional limits of this Court.



VIII.
JURY DEMAND

8.1 Plaintiff demands a trial by jury.

PRAYER

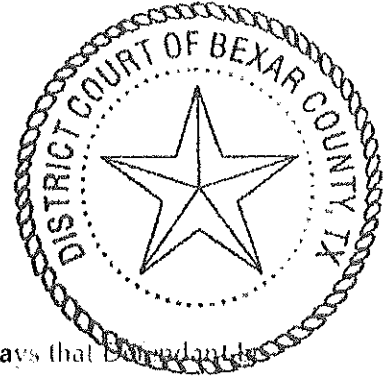
WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein and that upon trial of this case that Plaintiff have judgment against Defendant for an amount within the jurisdictional limits of this Court, along with all pre- and post-judgment interest, taxable Court costs, and all other relief to which Plaintiff has shown herself to be justly entitled.

Respectfully submitted,

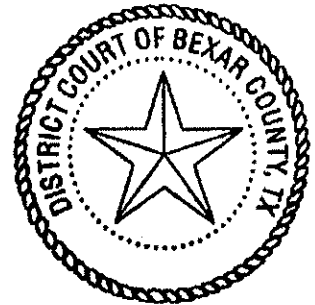
CALFAS LAW GROUP, PLLC
Tower Life Building
310 S. St. Mary's St., Ste. 2400
San Antonio, Texas 78205
(210) 212-6969 Phone
(210) 212-7766 Facsimile

Neil Calfas

NEIL CALFAS
State Bar No. 50511505
neil@calfaslaw.com
ATTORNEY FOR PLAINTIFF



CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



March 22, 2021

MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS

By: _____

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
2/8/2021 10:54 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Brenda Carrillo

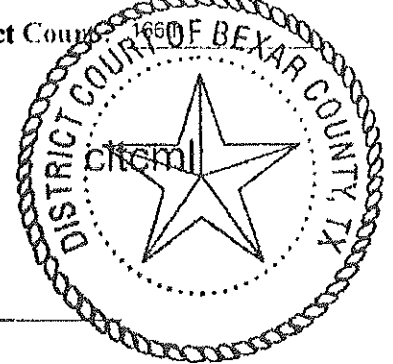


Cause Number: 2021CI02440

District Court

Mary Angie Garcia
Bexar County District Clerk

Request for Process



Style: Maria Rivera Vs. MARMAXX Operating Corp.

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Temporary Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.

Name: MARMAXX Operating Corp.

Registered Agent/By Serving: CT Corporation System

Address 1999 Bryan Street, Suite 900, Dallas, Texas 75201

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☒ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

2.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

3.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

4.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

Title of Document/Pleading to be Attached to Process: Plaintiff's Original Petition

Name of Attorney/Pro se: Neil Calfas

Bar Number: 50511505

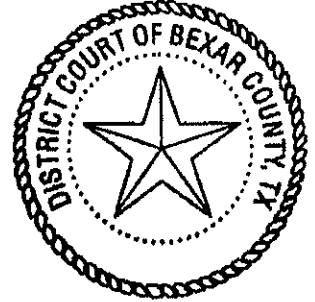
Address: 310 S. St. Mary's Street, 24th Floor
San Antonio, Texas 78205

Phone Number: (210) 212-6969

Attorney for Plaintiff X Defendant _____ Other _____

****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED****

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



March 22, 2021

MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS

By:


ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

CERTIFIED MAIL #70201290000217067682

Case Number: 2021-CI-02440



2021CI02440 003001

MARIA RIVERA

vs.

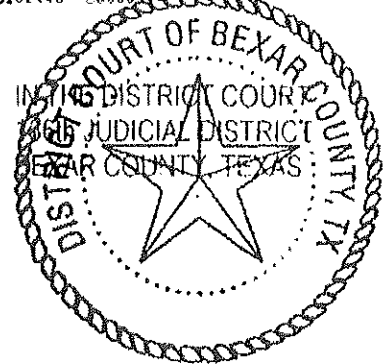
MARMAXX OPERATING CORP

(Note: Attached document may contain additional litigants)

CITATION

"THE STATE OF TEXAS"

DIRECTED TO: MARMAXX OPERATING CORP



BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM
1999 BRYAN STREET 900
DALLAS TX 75201

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the 5th day of February, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 10TH DAY OF February A.D., 2021.

NEIL A CALFAS
ATTORNEY FOR PLAINTIFF
310 S ST MARYS ST
SAN ANTONIO, TX 78205



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Laura Castillo, Deputy

M/02/10

MARIA RIVERA
vs
MARMAXX OPERATING CORP

Officer's Return

Case Number: 2021-CI-02440
Court: 166th Judicial District Court

Came to hand on the 10th day of February 2021, A.D., at 1:16 o'clock P.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20____, by delivering to: _____ at 1999 BRYAN STREET 900 DALLAS TX 75201 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with ORIGINAL PETITION .

Cause of failure to execute this Citation is _____

Mary Angie Garcia
Clerk of the District Courts of
Bexar County, TX
By: Laura Castillo, Deputy

Case Number: 2021CI02440

Document Type: CITATION

CERTIFIED MAIL #70201290000217067682

Case Number: 2021-CI-02440



2021CI02440 130304

MARIA RIVERA

vs.

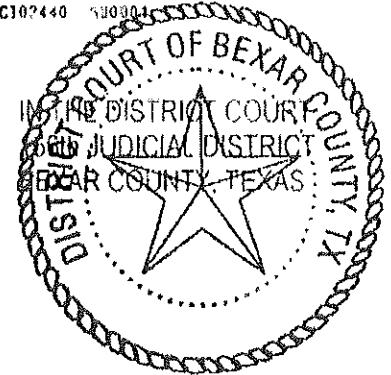
MARMAXX OPERATING CORP

(Note: Attached document may contain additional litigants).

CITATION

"THE STATE OF TEXAS"

DIRECTED TO: MARMAXX OPERATING CORP



BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM
1999 BRYAN STREET 900
DALLAS TX 75201

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the 5th day of February, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 10TH DAY OF February A.D., 2021.

NEIL A CALFAS
ATTORNEY FOR PLAINTIFF
310 S ST MARYS ST
SAN ANTONIO, TX 78205



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Laura Castillo, Deputy

MARIA RIVERA
vs
MARMAXX OPERATING CORP

Officer's Return

Case Number: 2021-CI-02440
Court: 166th Judicial District Court

Came to hand on the 10th day of February 2021, A.D., at 1:16 o'clock P.M. and ~~EXECUTED~~ (NOT EXECUTED) by CERTIFIED MAIL, on the 22nd day of Feb 2021 by delivering to: Jindsey Barrientz at 1999 BRYAN STREET 900 DALLAS TX 75201 a true copy of this Citation, upon which I endorsed (at date of delivery) together with the accompanying copy of the CITATION with ORIGINAL PETITION.

Cause of failure to execute this Citation is _____

for
CPT

FILED
2 O'CLOCK 47 P.M.

MAR 02 2021

MARY ANGIE GARCIA
District Clerk, Bexar County, Texas
BY Laura Castillo

Mary Angie Garcia
Clerk of the District Courts of
Bexar County, TX
By: Laura Castillo, Deputy

Case Number: 2021CI02440

Document Type: CITATION

7020 1290 0002 1706 7682

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

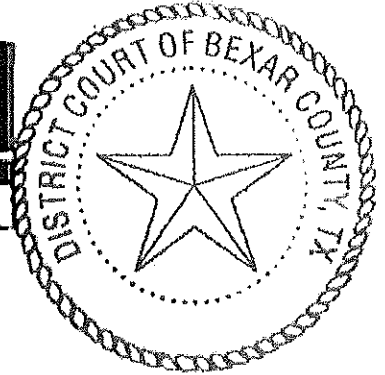
Postage \$

MARMAXX OPERATING CORP. 1 2021
C/O CT CORPORATION SYSTEM
1999 BRYAN STREET 900
DALLAS, TX 75201

Postmark
A. 75201
TX

2021C102440 2/10/2021 CATCH, LAURA CASTILLO

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



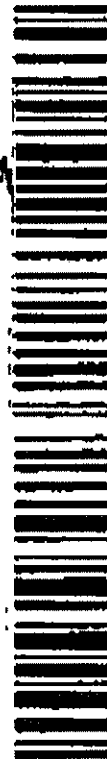
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARMAXX OPERATING CORP.
C/O CT CORPORATION SYSTEM
1399 BRYAN STREET 900
DALLAS, TX 75201

2021C102440 2/10/2021 CITICORP CASTILLO



9590 9402 6144 0209 3223 88
 Case Number: 2021C102440

2. Article Number (Transfer from service label)

7020 1290 0002 1706 7682

COMPLETE THIS SECTION ON DELIVERY**A. Signature***Lindsey Barre***X***Lindsey Barre***B. Received by (Printed Name)***Lindsey Barre*

D. Is delivery address different from item 1? If YES, enter delivery address below

☐ Yes ☒ No

FEB 22 2021

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery Document Type: *MasterCard*
☐ Collect on Delivery Restricted Delivery
☒ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☒ Signature Confirmation Restricted Delivery

Page 3 of 3

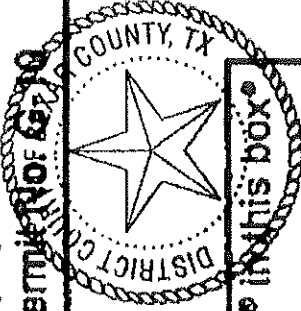
PS Form 3811, July 2013 PSN 7530-01-000-9033 SCANNED AS FILED Domestic Return Receipt

USPS TRACKING #



9590 9402 6144 3209 3228 88

First-Class Mail
Postage & Fees Paid
USPS
Permit No. 6270



United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box®

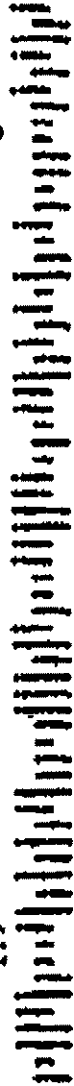
Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite #217
San Antonio, TX 78205

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
MAR -2 PM 2:49
2021

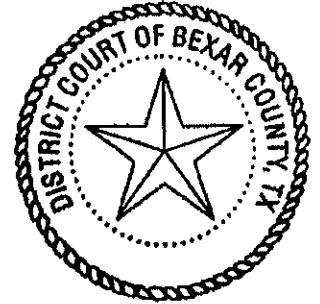
Case Number: 21-1C02440

Document Type: CITATION

Page 4 of 5



CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



March 22, 2021

MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS

By: _____

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
3/12/2021 2:38 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Luis Herrera

CAUSE NO. 2021CI02440

MARIA RIVERA
Plaintiff,

V.

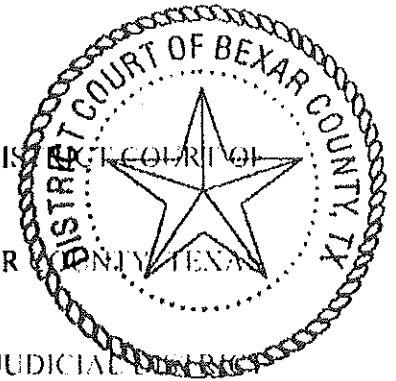
MARMAXX OPERATING CORP.
Defendant.

§
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§
§
§
§
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

166TH JUDICIAL DISTRICT



**DEFENDANT MARMAXX OPERATING CORP'S ORIGINAL ANSWER
AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Marmaxx Operating Corp., Defendant in the above-entitled and numbered cause, and in answer to Plaintiff's Original Petition, would respectfully show unto the Court as follows:

**I.
GENERAL DENIAL**

Defendant generally denies each and every, singular and all, the allegations contained in Plaintiff's Original Petition, and any amendment thereof, says that the allegations therein are not true, either in whole or in part, and demands strict proof thereof.

**II.
AFFIRMATIVE DEFENSES**

1. Defendant seeks the jury submission of Plaintiff's comparative responsibility pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code.

2. Plaintiff's damages, if any, are limited to only those damages actually paid on behalf of Plaintiff pursuant to § 41.0105 of the Tex. Civ. Prac. & Rem. Code.

3. Pleading further, alternatively, and by way of affirmative defense, Defendant would show, in the unlikely event that any liability is found on the part of the Defendant, that such liability

be reduced by the percentage of the causation found to have resulted from the acts, omissions or
any other third parties.

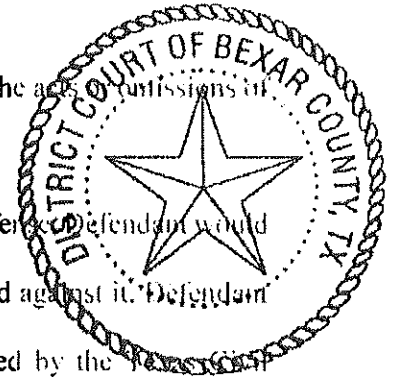
4. Pleading further, alternatively, and by way of affirmative defense, Defendant would
state that in the unlikely event that an adverse judgment would be rendered against it, Defendant
would respectfully request all available credits and/or offsets as provided by the Texas Civil
Practice and Remedies Code and under Texas law.

5. Pleading further, and in the alternative, if such is necessary, and subject to the
foregoing pleas and without waiving same, this action is subject to the proportionate responsibility
provisions of Chapter 33 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, including
(without limitation) the requirement of § 33.003, thereof that the trier of fact determine the relative
responsibility of the Plaintiff, and responsible third parties.

6. Pleading further, alternatively, and by way of affirmative defense, Defendant would
show that any claims for medical or health care expenses must be limited to the amounts actually
paid or incurred by or on behalf of Plaintiff pursuant to TEX. CIV. PRAC. & REM. CODE §
41.0105.

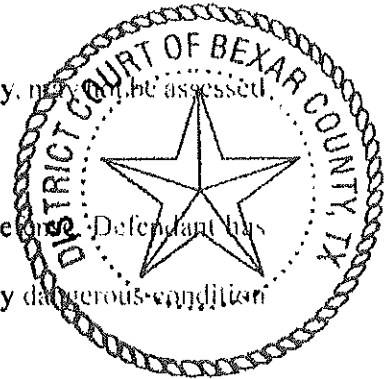
7. Pleading further, alternatively, and by way of affirmative defense, Defendant would
show that, pursuant to Section 18.091 of the TEX. CIV. PRAC. & REM. CODE., to the extent that
Plaintiff is seeking recovery for loss of earnings, lost wages, loss of earning capacity, and/or loss
of contributions of pecuniary value, evidence of this alleged loss must be presented by Plaintiff in
the form of a net loss after reduction for income tax payments, or unpaid tax liability to any federal
income tax law.

8. Pleading further, alternatively, and by way of affirmative defense, Defendant
invokes limitations on interest, both prejudgment and post-judgment, contained in Chapter 304 of



the TEX. FIN. CODE. Prejudgment interest on alleged future damages, if any, may not be assessed, or recovered.

9. Pleading further, alternatively, and by way of affirmative defense, Defendant has no actual or constructive notice of any premise defect or other unreasonably dangerous condition in connection with the alleged incident.



III.
JURY DEMAND

10. Defendant respectfully demand a jury for the trial of this matter, and hereby tenders the jury fee.

IV.
DIRECTED COMMUNICATION

11. Forward all communications regarding this matter to Kevin B. Tompkins at ktompkins@hartlinebarger.com; Jenni Fann at jfann@hartlinebarger.com, and Catrina Edling at cedling@hartlinebarger.com. Failure to include all requested individuals referenced above in all communications, notices, and filings, shall be deemed inadequate service

WHEREFORE, PREMISES CONSIDERED, Defendant, Marmaxx Operating Corp., prays that Plaintiff take nothing by reason of this suit, that Defendant be discharged, and that it go hence with their costs, and for all such other and further relief, both general and special, at law and in equity, to which Defendant may show itself to be justly entitled.

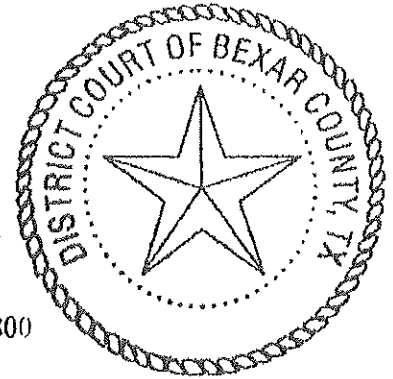
[SIGNATURE TO FOLLOW NEXT PAGE]

Respectfully submitted,

HARTLINE BARGER, LLP

/s/ Kevin B. Tompkins

Kevin B. Tompkins
State Bar No. 20125690
1980 Post Oak Blvd., Suite 1800
Houston, Texas 77056
Telephone: 713-759-1990
Facsimile: 713-652-2419
ktompkins@hartlinebarger.com



HARTLINE BARGER, LLP

Marshall G. Rosenberg
State Bar No. 12771450
1980 Post Oak Blvd., Suite 1800
Houston, Texas 77056
Telephone: 713-759-1990
Facsimile: 713-652-2419
mrosenberg@hartlinebarger.com

ATTORNEYS FOR DEFENDANT
MARMAXX OPERATING CORP.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by the method(s) indicated on the 12th day of March, 2021.

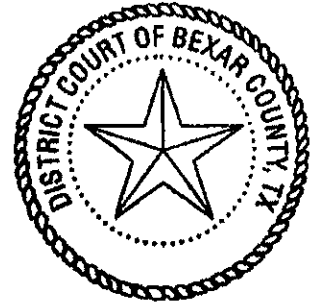
Neil Calfas
Calfas Law Group, PLLC
Tower Life Building
310 St. Mary's Street, Suite 200
San Antonio, Texas 78205
neil@calfaslaw.com

Attorney for Plaintiff

/s/ Kevin B. Tompkins

KEVIN B. TOMPKINS

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS.



March 22, 2021

By: MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS
ERIC GLORIA, Deputy District Clerk
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)